IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

OP.No. 4423 of 2001(B)

PETITIONER:

K.P.PRABHAKARAN NAIR
VIJAYABHAVAN
NEDUMKUNNAM-P.O.

BY ADV. SRI.N.GOVINDAN NAIR
SRI.N.SANKARA MENON
SRI.BIJU MANOHAR

RESPONDENTS:

1. LABOUR COURT, ERNAKULAM

2. NEDUMKUNNAM KSHEERA VYAVASAYA CO-OPERATIVE SOCIETY LIMITED, NO.K.135, NEDUMKUNNAM REPRESENTED BY ITS PRESIDENT.

3. THE ADMINISTRATOR,
NEDUMKUNNAM KSHEERA VYAVASAYA CO-OPERATIVE SOCIETY LIMITED, NO.K.135, NEDUMKUNNAM.

BY ADV. SRI.A.JAYASANKAR
SRI.C.ANIL KUMAR
GOVERNMENT PLEADER SMT.REMANI.T.B.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Claim statement of petitioner before Labour Court.

Ext.P2: Copy of order by first respondent.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

- -

O.P.NO.4423 OF 2001

- -

Dated this the 30th day of March 2007

JUDGMENT

The challenge is on Ext.P2 order passed by the Labour Court, Ernakulam in I.D.134/1996. The Labour court held that the petitioner being the Secretary of the second respondent/Society cannot be treated as a workmen. In **Ulahannan v. Labour Court [1996 (3) ILR Kerala 766],** division bench of this court has considered a similar issue and has held that a person holding a managerial post and having control over the entire administration of the society cannot be treated as 'workman'. In the counter affidavit filed on behalf of the second respondent/Society, it is stated that the petitioner was the Secretary and Chief Executive Officer of the society and was the custodian of cash, records and stock of the society. It is also stated that the duties of the petitioner had been mainly managerial and administrative in character. In view of the above factual and legal position, there is no

merit in this writ petition. Accordingly, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE

jes